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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,238	08/08/2001	Robert J. Laferriere	Gems0136/YOD	9904

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FLETCHER, YODER & VAN SOMEREN
P. O. BOX 692289
HOUSTON, TX 77269-2289

EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,238

Applicant(s)

LAFERRIERE ET AL.

Examiner

Cameron Saadat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

In response to the after-final amendment filed 11/3/2004, claims 1-42 are pending in this application. Claims 1-15 are withdrawn from further consideration as being drawn to a non-elected invention. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 16-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slattery et al. (USPN 6,514,085; hereinafter Slattery) in view of Ross et al. (USPN 6,608,628; hereinafter Ross).

Regarding claims 16, 28 and 34, Slattery discloses a method for remotely training persons, the method comprising: (as per claim 16) providing a collaborative computing environment between a trainee and a remote trainer for chemistry equipment or any other type of device (Col. 3, lines 49-52) and interactively instructing the trainee via the collaborative computing environment (Col. 4, lines 16-25); and (as per claim 28) initiating a link between remote computing environments (Col. 4, lines 12-14); sharing a graphical user interface with the remote computing environments (Col. 7, lines 54-60); and collaboratively interacting with a device coupled to one of the remote computing environments (Col. 4,

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lines 16-25) ; and (as per claim 34) a first computing system coupled to a device; a second computing system remotely coupled to the first computing system via a network; and a user interface shared by the first and second computing systems for collaboratively interacting with the device (Col. 7, lines 54-60; Col. 4, lines 16-25).

Slattery discloses all of the claimed subject matter of claims 16, 28, and 34 with the exception of explicitly disclosing that the collaborative computing environment is for a medical diagnostic imaging system. However, Ross discloses a collaborative computing environment allowing users to view and manipulate images generated by a medical diagnostic imaging system (Col. 1, lines 36-39; Col. 2, lines 40-48). Thus, in view of Ross, it would have been obvious to one of ordinary skill in the art to modify the collaborative training environment described in Slattery by providing a collaborative environment for a medical imaging device in order to allow multiple users at different computer systems to collaboratively view and interact with biomedical images in real-time, thereby allowing remotely located physicians to collaborate by viewing an image of an anatomical object simultaneously and to provide instruction to a remotely located physician (Col. 11, lines 48-50).

Regarding claim 17, Slattery does not explicitly disclose a UNIX operating system. However, it would have been an obvious matter of design choice to select a specific operating system for a computer, wherein no stated problem is solved or unexpected result is obtained by prescribing a UNIX operating system. Therefore it would have been obvious to an artisan to modify the computer system described in Slattery by providing a UNIX operating system in order to allow users and application programs to control the computer hardware.

Regarding claim 18, Slattery discloses a method wherein providing the collaborative computing environment comprises providing a shared user interface (Col. 7, lines 54-60).

Regarding claims 19, 32, and 42, Slattery discloses a remote collaborative environment of shared interfaces with the capability of capturing, transmitting screen data between computing systems (Col. 7,

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lines 54-60). Slattery does not explicitly disclose the feature of caching screen data. However, it is the examiner's position that providing a cache memory assembly in the central processing unit of a computer is notoriously well known feature for improving data transfer time, and it would have been obvious to a person of ordinary skill in the art to provide caching of computer data in order to provide faster delivery of information (See Newton's Telecom Dictionary, P. 120 cache memory).

Regarding claims 20 and 39, Slattery discloses a method wherein providing the shared user interface comprises providing mutual operability of an application configured for training the trainee (Col. 4, lines 17-19).

Regarding claim 21, Slattery discloses a method wherein providing the shared user interface comprises simulating a graphical user interface for the device (Col. 5, lines 44-47).

Regarding claims 22 and 31, Slattery discloses a method and system wherein the collaborative computing environment comprises capturing screen data for a first display and transmitting the screen data to a second display (Col. 7, lines 54-60).

Regarding claims 35-38, Slattery discloses a system wherein the user interface comprises a graphical interface operable on one of the first and second computing systems, wherein the graphical interface is simulated on one of the systems and wherein the simulation comprises screen data corresponding to the graphical interface (Col. 7, lines 54-60).

Regarding claims 23 and 25, Slattery discloses the feature of remotely interacting with an operating system (as per claim 23) and initiating events (as per claim 25) for the device (Col. 7, lines 54-60).

Regarding claims 24 and 29, Slattery discloses all of the claimed subject matter with the exception of disclosing that the collaborative environment has platform-independent operating systems. However, Ross discloses a collaborative environment having platform-independent operating systems (Col. 5, lines 59-66). Hence, in view of Ross it would have been obvious to one of ordinary skill in the

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art to modify the collaborative environment described in Slattery by providing platform-independent operating systems in order to implement the imaging system on any suitable platform.

Regarding claim 26, Slattery discloses a method wherein interactively instructing the trainee comprises remotely responding to operations of the device (Col. 4, lines 17-19).

Regarding claim 27, Slattery discloses a method wherein interactively instructing the trainee comprises remotely interacting with a plurality of geographically separate trainees via the collaborative computing environment (Col. 8, lines 33-43).

Regarding claim 30, Slattery discloses a method wherein providing the shared user interface comprises providing independent and mutual operability of an application associated with the graphical user interface (Col. 4, lines 17-19).

Regarding claim 33, Slattery discloses a method, wherein collaboratively interacting with the device comprises collaborating operations with a plurality of persons operating in the remote computing environment (Col. 4, lines 38-42).

Regarding claim 40, Slattery discloses a system wherein the user interface facilitates real-time shared operability of the device (Col. 4, lines 40-42).

Regarding claim 41, Slattery discloses all of the claimed subject matter with the exception of explicitly disclosing a safety routine to prevent undesirable operation of the medical diagnostic imaging system. However, it is the examiner's position that providing a safety routine to prevent undesirable operation of a system is a notoriously well known feature for limiting the exposure of a computer or a group of computers to an attack from outside. Therefore, it would have been obvious to a person of ordinary skill in the art to provide a safety routine in order to protect the system (See Newton's Telecom Dictionary, P. 299 firewall).

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Response to Arguments

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Applicant's arguments, see P.16 of remarks filed 11/3/04, with respect to the rejections of claims 16-42 under Melker et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Slattery (USPN 6,514,085) and Ross (USPN 6,608,628).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Chang et al. (USPN 6,556,724) – disclose a collaborative computing environment for a medical imaging system.

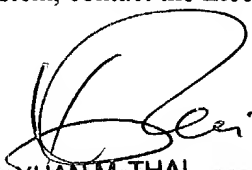
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 571-272-4443. The examiner can normally be reached on M-F 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 703-308-2064. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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XUAN M. THAI
PRIMARY EXAMINER
AU 3713